

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TIMOTHY LEE SUNDAY,)	
#213453,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 3:20-CV-491-WKW
)	[WO]
JACOB A. WALKER, III, Lee)	
County Circuit Court Judge;)	
STEVEN T. MARSHALL, Attorney)	
General for the State of Alabama;)	
and DEBORAH TONEY, Warden,)	
)	
Respondents.)	

ORDER

On July 17, 2020, the Magistrate Judge filed a Recommendation (Doc. # 2) to which Petitioner filed objections (Doc. # 3). Based upon a *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b), it is ORDERED as follows:

- (1) Petitioner's objections (Doc. # 3) are OVERRULED;
- (2) The Recommendation (Doc. # 2) is ADOPTED;
- (3) This action is DISMISSED for lack of jurisdiction because Petitioner has not obtained the requisite order from the Eleventh Circuit Court of Appeals authorizing a federal district court to consider his successive petition; and

(4) Neither a certificate of appealability nor an order granting leave to appeal the judgment *in forma pauperis* will be issued.

Final judgment will be entered separately.

DONE this 30th day of October, 2020.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE